

California Regional Water Quality Control Board
Santa Ana Region

November 21, 2003

ITEM: 10

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal System Use – Virginia Buckingham, 6777 Frank Avenue, Mira Loma, Riverside County

DISCUSSION:

On August 27, 2003, Chris Hildebrand of Nu Development Consulting contacted staff on behalf of Virginia Buckingham, requesting approval for the use of a second septic tank-subsurface disposal system at the above-referenced site. Ms. Buckingham resides in a 4-bedroom mobile home located at the site. An existing subsurface disposal system is utilized for the discharge of sanitary wastes from the mobile home. The property is approximately 0.58 acres in size. This area of the County is unsewered and on-site septic tank-subsurface disposal systems are utilized for disposal of sanitary wastes.

Ms. Buckingham proposes to install a separate additional 3-bedroom mobile home on the lot and to install a separate septic tank-subsurface disposal system for this additional mobile home. Ms. Buckingham's daughter and son-in-law would utilize this second mobile home

On October 13, 1989, the Regional Board adopted a Basin Plan amendment that requires new developments for which on-site subsurface disposal system use is proposed to have a minimum of one-half acre of land per dwelling unit. The Board found that it was necessary to limit the density of new subsurface disposal systems to control the nitrate quality problems found in the groundwaters of the Region.

In adopting the minimum lot size requirements (MLSRs), the Board recognized that it was appropriate to distinguish between "existing" developments using subsurface disposal systems, (i.e., those already in place or approved at the time the MLSRs were adopted), and "new" developments. Thus, the Board specifically exempted from the one-half acre requirement existing developments where septic tank-subsurface disposal systems had been installed by September 7, 1989 or for which conditional approval (e.g. conditional use permit, or conditional approval of tentative parcel or tract map) had been obtained by that date. The one-half acre requirement applies only to "new" developments.

In adopting the MLSRs, the Board also recognized that there would likely be proposals for additions to existing developments that would result in increased wastewater flow. The Board's MLSRs addressed these circumstances. Additions to existing dwellings (bedrooms/baths) are exempt from the MLSRs, if the existing septic system could accommodate the resultant additional wastewater flows. However, the MLSRs state that any proposal to add any freestanding structures that would result in additional wastewater flows must be considered a

“new” development, to which the minimum lot size requirement applies. The proposed mobile home will be a freestanding structure. As such, the project as a whole (the existing mobile home and second mobile home addition) must be considered a “new” development and the one-half acre minimum lot size requirement would apply. To satisfy the MLSRs, the existing mobile home and the proposed second mobile home would each require one half-acre minimum lot size. As Ms. Buckingham’s lot is only approximately 0.58 acres size, staff was required to deny her request for a clearance for the project.

On September 30, 2003, Ms. Buckingham offered to upgrade her existing septic tank-subsurface disposal system and connect the proposed second mobile home to this system. However, this new proposal would still result in a second dwelling unit (free-standing structure) on a lot less than one acre in size and would not comply with the MLSRs.

Board staff has advised Ms. Buckingham of another option identified in the Board’s exemption criteria, which allows project proponents to implement an acceptable offset project. Ms. Buckingham could proceed with her proposed development if she connected another septic system (that would not otherwise be required to be connected to the sewer) to the sewer. Ms. Buckingham declined to pursue the offset option due to limited funds.

RECOMMENDATION:

Deny Ms. Buckingham’s request for an exemption from the minimum lot size requirements for the use of a second septic system to serve a second mobile home (free-standing structure).

Comments were solicited from the following agencies:

State Water Resources Control Board, Office of the Chief Counsel – Jorge Leon
Riverside County Department of Environmental Health – Sam Martinez/Greg Dellenbach
Riverside County Department of Building and Safety – Tom Ingram
Riverside County Department of Planning – Mark Balys
Nu Development – Chris Hildebrand